NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 02 2007

MOHAMMED ASHRAF,

Petitioner,

v.

PETER D. KEISLER,** Acting Attorney General,

Respondent.

No. 05-71520

Agency No. A93-155-300

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted October 17, 2007***
San Francisco, California

Before: WALLACE, KLEINFELD, and RAWLINSON, Circuit Judges.

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* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** Peter D. Keisler is substituted for his predecessor, Alberto R. Gonzales, as Acting Attorney General of the United States, pursuant to Fed. R. App. P. 43(c)(2).

*** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Mohammed Ashraf seeks review of an order of the Board of Immigration Appeals upholding an immigration judge's order denying Ashraf's application for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the discretionary determination that an applicant has failed to show exceptional and extremely unusual hardship to a qualifying relative, *see Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003), and Ashraf does not raise a colorable due process claim, *see Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005) ("[T]raditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction."); *see also Kumar v. Gonzales*, 439 F.3d 520, 523-24 (9th Cir. 2006) (noting that violation of agency regulations reviewed for harmless error); *Larita-Martinez v. INS*, 220 F.3d 1092, 1095 (9th Cir. 2000) (recognizing that alleged procedural defects in immigration proceedings do not rise to level of due process violation absent a showing of prejudice).

PETITION FOR REVIEW DISMISSED.